

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : **10/628,792**

Applicants : **Jon A. Wolff et al.**

Filed : **07/28/2003**

Art Unit : **1654**

Examiner : **Ha, Julie**

Docket No. : **Mirus.040.01**

For: Delivery of Molecules and Complexes to Mammalian Cells In Vivo

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.132

Dear Sir:

We, Vladimir Subbotin, Julia Hegge, and James Hagstrom, hereby declare as follows:

1. Vladimir Subbotin has an MD/PhD from Novosibirsk Medical School and over 35 years experience in animal pathology.

Julia Hegge has a Bachelor's degree in Biology and Medical Technology from Edgewood College and over 20 year experience in the Medical Technology field.

Jim Hagstrom has a PhD in Molecular biology from the Mayo Graduate School of Medicine and has over 14 years experience in the gene delivery field.

2. We are familiar with the above captioned application and with the Twist et al. (U.S. Patent 5,633,230) reference cited in the Office Action.
3. Twist et al. teach an injection of 0.25 ml into the tail vein of a mouse. Based on our experience and knowledge of mouse physiology, tail vein injection of this volume is insufficient to result in an increase in vasculature permeability.

Increasing vessel permeability via elevated hydrostatic pressure, as taught in U.S. Application No. 10/628,792, increases the efficiency of delivery of various molecules to extravascular cells. By injecting a larger volume at a higher rate than was done in the prior art, the vessels